

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 57897-5005Anticipated Classification of this
Application:

Class _____ Subclass _____

Prior Application:

Examiner C. PadenArt Unit 1761Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for filing a:

- ☐ continuation application
- ☒ divisional application

pursuant to 37 CFR § 1.53(b) , of pending prior application

Serial No. 09/411,591 filed on October 4, 1999,of Christopher John Berry, et al.

(Inventor currently of record in prior application)

for: ANTICHOLESTEROLEMIC EDIBLE OIL
(title of invention)

1. ☒ Enclosed is a copy of the prior application, and declaration as originally filed.

I hereby verify that the attached papers are a true copy of the prior application Serial No. 09/411,591 as originally filed on October 4, 1999, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

2. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR:	NO. FILED	NO. EXTRA	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
			RATE	FEE		RATE	FEE
BASIC FEE				\$			\$710
TOTAL CLAIMS	38-20	18	x 9 =	\$	OR	x 18 =	\$325
INDEP CLAIMS	2- 3	-0-	x 40 =	\$	OR	x 80 =	\$0
MULTIPLE INDEPENDENT CLAIMS PRESENTED			+ \$135			+\$270	
TOTAL				\$			\$1,035

3. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 10-0440. A duplicate copy of this sheet is enclosed.
4. ☒ A check in the amount of \$1,035.00 is enclosed.
5. ☒ Cancel in this application original claims 24-33 and 49-51 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☐ Amend the specification by inserting before the first line the sentence:
-- This is a ☐ continuation
 ☒ divisional
of application Serial No. 09/411,591,
filed on October 4, 1999.
7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)
- 7a. ☐ New formal drawings are enclosed.
- 7b. ☐ Priority of application Serial No. _____, filed on _____
_____ in _____ is claimed under 35 USC § 119.
(country)
- 7c. ☐ The certified copy of this priority application has been filed in prior application Serial No. _____, filed on _____.
8. ☐ The prior application is assigned of record to:
_____.
9. ☒ The Power of Attorney in the prior application is to:

ROD S. BERMAN, Reg. No. 31,483, BERNARD R. GANS, Reg. No. 27,443, BRENNAN C. SWAIN, Reg. No. 43,175 and DAVID J. MEYER, Reg. No. 33,425, all of the firm of Jeffer, Mangels, Butler and Marmaro LLP, 2121 Avenue of the Stars, 10th Floor, Los Angeles, CA 90067
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future communications to:

ROD S. BERMAN, ESQ.
JEFFER, MANGELS, BUTLER & MARMARO LLP
Tenth Floor
2121 Avenue of the Stars
Los Angeles, California 90067
(310) 203-8080
- 10a. ☐ A preliminary amendment is enclosed.
- 10b. ☐ A separate check for \$_____ is enclosed to cover additional claims added by the preliminary amendment.
11. ☐ Enclosed find the following declaration(s) in support of Small Entity status for this application:

☐ Inventor(s).
☐ Individual other than inventor.

- ☐ Nonprofit organization.
☐ Small business concern.

12. ☐ The statement(s) of Small Entity Status filed in the prior application is (are) still proper.

February 14, 2001
(Date)

Kathy Mojiri
KATHY MOJIRI, Reg. No. 41,409

Address of signer:

JEFFER, MANGELS, BUTLER & MARMARO LLP
Tenth Floor
2121 Avenue of the Stars
Los Angeles, California 90067
(310) 203-8080

PATENT
57897-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Christopher John Berry, et al.

Group Art Unit:

Examiner:

Serial No. UnASSIGNED

Filed: HEREWITH

For: ANTICHOLESTEROLEMIC EDIBLE
OIL

Divisional of Serial No. 09/411,591



CERTIFICATE OF MAILING

Box Design
Assistant Commissioner for Patents
Washington, D.C. 20231

I hereby certify that a Divisional Application under 37 CFR 1.53 (b) (duplicate); Copy of application Serial No. 09/411,591 as previously filed; Declaration (copy); Check No. 138636 in the amount of \$1,035; and return postcard are being deposited with the United States Postal Service, postage prepaid, Express Mail No. EL584669586US on the date indicated below and addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231.

February 14, 2001

(Date of Deposit)

Laurie A. Rossi

(Name of Person Mailing Paper or Fee)

Laurie A. Rossi

(Signature)